

FILED
U.S. BANKRUPTCY COURT
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SOUTHERN DISTRICT OF NEW YORK

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*On behalf of himself and as authorized signator for
Violeta Dedvukaj, Marash Dedvukaj, Gjelosh
Dedvukaj and Maruka Dedvukaj and the Debtors, Hoti
Enterprises, LP and Hoti Realty Management Co., Inc.,
and the above individuals as Interested Persons*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

**Chapter 11
Lead Case No. 10-24129 (RDD)**

**HOTI ENTERPRISES, L.P. and
HOTI REALTY MANAGEMENT CO., INC.,**

Debtors.

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**DESIGNATION OF THE ITEMS TO BE INCLUDED IN THE RECORD ON
APPEAL AND A STATEMENT OF THE ISSUES PURSUANT TO BR 8006**

PART I – DESIGNATION

Appellants hereby designate the following items for inclusion in the record on appeal (for the Notice of Appeal filed on May 29, 2012 - Doc. No. 218):

1. Docket sheets for 10-24129 (RDD).
2. Judge Drain's May 16, 2012 Order Denying Motion for Relief from Cash Collateral Order [Docket No. 210];
3. Transcript regarding Hearing Held on 4/5/12 re Motion to Approve Stipulation and Order Governing Debtors Use of Cash Collateral and Related Matters, Objection to GECMC 2007 C-1 Burnett Street to Debtors Motion for Relief from

Stipulation and Governing Debtors Use of Cash Collateral; Debtors Reply to Objection concerning Motion for Relief from Stipulation and Order [207];

5. Transcript of the record and bench decision made at the hearing on the motion on May 3, 2012, which has been transcribed by and received from an approved digital audio service agency (or transcription service) [212];

5. Motion to Approve Relief from Stipulation and Order Governing Debtors' Use of Cash Collateral and Related Matters Pursuant to Bankruptcy Rule 9024 with Exhibits 1-23 filed on 3/7/12 [126];

6. Objection to Motion / Objection of GECMC 2007 C-1 Burnett Street, LLC to Debtors' Motion for Relief from Stipulation and Order Governing Debtors Use of Cash Collateral with Exhibits A-B filed on 3/29/12 [152];

7. Reply to Motion Debtors' Reply to Objection Concerning Motion for Relief from Stipulation and Order Governing Debtors' Use of Cash Collateral and Related Matters Pursuant to Bankruptcy Rule 9024, with Exhibits 1-6 filed on 4/3/12 [157];

8. Debtors' Letter Brief re: Motion for Relief from Cash Collateral Stipulation and Order Pursuant to Bankruptcy Rule 9024 filed on 4/16/12 [160];

9. Affidavit of Victor Dedvukaj in Support of Motion (A) on Commencement of an Adversary Proceeding or, Alternatively, (b) for an Order Granting Dismissal of the Chapter 11 Cases, and (C) in Further Support to Object to the Confirmation of the Plan with Exhibits 1-21 filed on 4/20/12 [176, between 160 and 162];

10. Memorandum of Law in Further Support of Objection to Debtors' Motion for Relief from Stipulation and Order Governing Debtors' Use of Cash Collateral with Exhibits 1-13 filed on 4/26/12 [179];

11. Objection to Confirmation of Amended Plan, Creditor Carl Person's objections to GECMC's 2nd Amended Plan for Reorganization of the Debtors with Exhibits 1-5 filed on 5/2/12 [194];

12. Objection to Confirmation of Amended Plan, Objections by Debtors and Other Interested Persons to GECMC's 2nd Amended Plan for Reorganization of the Debtors with Exhibits 1-5 filed on 5/2/12 [195];

13. Amended Application of Rattet Pasternak, LLP for Final Allowance of Professional Compensation & Reimbursement of Expenses filed on 1/31/12 [119];

14. Affidavit in Opposition to Application of Rattet Pasternak, LLP for Final Allowance of Professional Compensation & Reimbursement of Expenses filed on 5/8/12 [197];

15. Declaration of Steven Altman in Support of Confirmation of The Second Modified Chapter 11 Plan of Reorganization for Hoti Enterprises, L.P. and Hoti Realty Management Co., Inc. with Exhibits 1-4 filed 4/30/2012 [187];

16. Motion to Authorize / Declaration of Victor Dedvukaj (A) in Opposition to GECMC 2007 C-1 Burnett Street, LLC in Seeking Entry for an Order (1) Sustaining its Objection (2) Denying the Motion of Victor Dedvukaj to Remove Sanctions Against Debtor (I) Objection of GECMC 2007 C-1 Burnett Street, LLC as a Creditor (II) Objection to Finding Victor Dedvukaj in Contempt of Court (III) Imposing Sanctions Against DLA Piper LLP (IV) Objection to Removing Tanya Dwyer as my Lawyer (3) Granting Such Other and Further Relief as Just and Proper AND (B) Application in Support of an Order Granting Commencement of an Adversary Proceeding in Accordance with Bankruptcy Rule 7001(2) Objecting to GECMC 2007 C-1 Burnett Street, LLC Secured Claims and to Provide Adequate Protection with Exhibits 1-3, filed on October 31, 2011 [Doc. No. 31 appearing only in related case 10-24130 RDD); and

17. Notice of Appeal filed May 29, 2012 [218].

18. Docket [61], Order signed on 1/18/2011 Granting Motion for Relief from Stay for creditor, GECMC 2007 C-1 Burnett Street, LLC (Related Doc # 24). (Webb, Lonnie) (Entered: 01/19/2011).

19. Docket sheets for 10-24130

20. Motion for Sanctions *to be Removed Against Debtor, et.al.*, filed by Victor Dedvukaj. with hearing to be held on 10/31/2011 at 10:00 AM at Courtroom 118, White Plains Office (Webb, Lonnie) (Entered: 10/12/2011) Docket [105]

21. Objection to Motion *for confirmation of 1st Amended Disclosure Statement and Plan for Reorganization of the Debtors (and is not the Objections of Carl E. Person, which have been filed separately)* - filed by Carl E. Person on behalf of Marash Dedvukaj, Gjelosh Dedvukaj, Maruka Dedvukaj, Violeta Dedvukaj, Victor Dedvukaj, Hoti Enterprises, LP, Hoti Realty Management Co., Inc., Carl E. Person. (Attachments: # 1 Exhibit A. Legal memorandum based on Holywell decision# 2 Exhibit B. Supreme Court decisions dated April 4, 2012 and April 5, 2012 in GECMC's state foreclosure action against Hoti# 3 Exhibit C. Hoti's Qualified Written Request dated March 7, 2011 asking for information concerning ownership of note and mortgage - Part 1 of 2 Parts# 4 Exhibit C_Qualified Written Request for information and note and mortgage - Part 2 of 2 Parts) (Person, Carl) (Entered: 04/23/2012) Docket [170]

22. Affidavit of Victor Dedvukaj in Support of Motion (A) on Commencement of an Adversary Proceeding or, Alternatively, (B) for an Order Granting Dismissal of the Chapter 11 Cases, and (C) in Further Support to Object to the Confirmation of the Plan, filed by Victor Dedvukaj. (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit # 6 Exhibit # 7 Exhibit # 8 Exhibit # 9 Exhibit # 10 Exhibit # 11 Exhibit # 12 Exhibit # 13 Exhibit # 14 Exhibit # 15 Exhibit # 16 Exhibit # 17 Exhibit # 18 Exhibit # 19 Exhibit # 20 Exhibit # 21 Exhibit) (Webb, Lonnie) (Entered: 04/25/2012) Docket [176]

23. Reply to Motion (*Reply to Affidavit of Victor Dedvukaj ECF Docket 197*) (related document(s)91, 119) filed by James B. Glucksman on behalf of Rattet Pasternak, LLP. (Glucksman, James) (Entered: 06/01/2012) Docket [222]

24. Transcript from state court Doc. 226

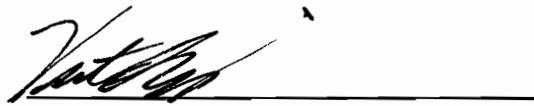
PART II – ISSUES TO BE PRESENTED

Appellants intend to raise the following issues on appeal:

- A. The Bankruptcy Court below erred when deciding not to permit the Debtors to file an adversary proceeding challenging GECMC's claim;
- B. The Bankruptcy Court below erred when deciding not to vacate its bench decision on May 3, 2012 when hearing later during the same hearing that the Debtors' counsel had advised Judge Drain by email on November 22, 2010 that the Debtors had explicitly told their counsel that the Debtors did not want their counsel to sign the Cash Collateral Stipulation and Order, but the counsel went ahead anyway and signed it on December 22, 2010;
- C. The Bankruptcy Court below erred when holding that the Debtors were barred by a one-year limiting period (or "bar date") from filing an adversary proceeding against GECMC while already telling GECMC that it could correct defects in its alleged claim and later accepting the corrected documents to enable GECMC to have a claim for the first time after the claim bar date of June 1, 2011(which the Judge is allowing); and
- D. The Bankruptcy Court below erred when refusing to exercise the Court's discretion on May 3, 2012 to correct the injustice occurring by its decision (in paragraph A above) when learning later in the hearing that the Debtors' counsel had signed the Cash

Collateral Stipulation and Order over the objections of the Debtors and that the Judge had received email notice of this from the Debtors' lawyers on the same day.

Dated: New York, New York
June 10, 2012



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for Violeta Dedvukaj, Marash Dedvukaj, Gjelosh
Dedvukaj and Maruka Dedvukaj and the
Debtors, Hoti Enterprises, LP and Hoti Realty
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Chapter 11

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Debtors.

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CERTIFICATE OF SERVICE

I, Mark Kalaj, hereby certify that on June 10, 2012, I caused to be served a true copy of a document entitled "**DESIGNATION OF THE ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL AND A STATEMENT OF THE ISSUES PURSUANT TO BR 8006**" dated June 10, 2012 [Docket No. 2____] on the parties set forth in the annexed service list in the manner indicated therein.



Mark Kalaj

SERVICE LIST
(served by mail on 6/10/12)

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